IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.17549 of 2004

M/s.Saravanakumar & Co
Patnership Firm Rep bys
it's Managing Partner.
Mr.T.R.Sundaram,
206-B, Annur Road,
Mettupalayam,
Coimbatore District. ...Petitioner

Vs

1.The Superintending Engineer,
Coimbatore Electricity Distribution,
Circle/North,
Coimbatore.

2. The Executive Engineer (O & M)
Tamil Nadu Electricity Board,
Power House,
Sirumugai Road,
Mettupalayam,
Coimbatore District.

3. The Assistant Executive Engineer (Town),
Tamil Nadu Electricity Board,
Co-Operative Colony,
Mettupalayam,
Coimbatore District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records from the 1st respondent in respect of his proceedings Ref:Lr.No.SF/CEDC/N/AEE/GI/AEI/FSC.280 IIB Karamadai Road/D 118/04 dated 07.04.2004 and also records from the 2nd respondent in respect of his proceedings in Ref:EE/MTP/ITER/F.SC.280/TF.IIB/NO.2252/2003, dated 21.07.2003 and quash the same and further direct the respondents to return the amount of Rs.1,26,284/- collected as compounding charges for the offence of theft of energy.

For Petitioner : Mr. D.Venkatesh

For Respondents : Mr.S.K.Rameshuwar

O R D E R

The order dated 07.04.2004 and 21.07.2003 in respect of the payment of "E tax" is under challenge in the present writ petition.

2. The issues in connection with GPSC on "E Tax" amount collected from H.T. Consumers on the arrears of "E tax" accrued before 01.09.2004 had been adjudicated by the Courts and accordingly, the respondent Board issued a memo number CFC/REV/FC/DFC/AS.3/REV/D.No. 302/16 dated 23.11.2016.

3. Pursuant to the circular dated 23.11.2016, the writ petitioner is liable to claim the benefits of payment of "E tax" to the Electricity Board. In this view of the matter, the writ petitioner is at liberty to approach the competent authorities for extending the benefit of the circular dated 23.11.2016 and in the event of receiving any such application from the writ petitioner, the respondents are directed to consider the same and pass orders on merits and in accordance with law, with reference to the memo dated 23.11.2016, without any undue delay.

3. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

tar/kmm

To

1.The Superintending Engineer,
Coimbatore Electricity Distribution,
Circle/North,
Coimbatore.

2. The Executive Engineer (O & M)
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W.P.No.17549 of 2004

CP(CO)
GMY(19/02/2019)